

**IN THE UNITED STATE DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

JAMES MATTHEW HARRIS

PLAINTIFF

v.

CIVIL ACTION NO. 3:11cv26-TSL-MTP

**CHRISTOPHER EPPS, GLORIA PERRY,
ROBERT MOORE, DAISY THOMAS, RONALD WOODALL,
KEN KAISER, AND WEXFORD HEALTH SOURCES, INC.**

DEFENDANTS

ORDER

Presently before the Court is Plaintiff's [3] Motion for Preliminary Injunction, in which he seeks an order from the Court directing Defendants that Plaintiff be provided with "continued medical treatment as recommended by neurosurgeon, treatment, and medications." He also asks for a temporary restraining order to prevent his transfer to other facilities within the MDOC system. Defendants Epps and Perry have responded [30] and deny that Plaintiff is entitled to this relief, and that his medical condition is being treated and monitored by medical personnel. *See* affidavit of Dr. Gloria Perry (docket entry [30]-1). This motion was argued and decided at the omnibus hearing held August 18, 2011.

For the reasons assigned at that hearing, Plaintiff's request for relief is not well taken. *See generally Women's Med. Ctr. of Northwest Houston v. Bell*, 248 F.3d 411, 419 n.15 (5th Cir. 2001) (identifying factors to be considered in whether to issue a preliminary injunction). *See also Lewis v. S. S. Baune*, 534 F.2d 1115, 1121 (5th Cir. 1976) ("An injunction is an extraordinary remedy and should not issue except upon a clear showing of possible irreparable injury[.]") (citation omitted). Plaintiff's cause of action is based on a claim of deliberate indifference to medical needs. Plaintiff has failed to satisfy any of the elements necessary to

obtain a preliminary injunction.

Accordingly, **IT IS ORDERED:**

Plaintiff's [3] Motion for Preliminary Injunction is **DENIED**.

Plaintiff's failure to advise this Court of a change of address or failure to comply with any order of this Court will be deemed as a purposeful delay and may be grounds for dismissal without notice to Plaintiff.

SO ORDERED this the 19th day of August, 2011.

s/Michael T. Parker
United States Magistrate Judge